

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1-9, 12-21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0013716 of Dunham et al. ("Dunham") in view of U.S. Patent Application Publication No. 2003/0037063 of Schwartz ("Schwartz"). The Examiner also rejected claims 10, 11, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Dunham and Schwartz further in view of U.S. Patent No. 6,042,005 to Basile et al. ("Basile").

By this Reply, Applicants have amended claims 1, 2, 10, 11, 13, 14, 22, 23, 24, taking care not to add any new matter. Claims 1-24 remain pending, with claims 1 and 13 being independent.

Applicants respectfully request the reconsideration and withdrawal of the § 103(a) rejections of claims 1-9, 12-21, and 24 over Dunham in view of Schwartz. A prima facie case of obviousness has not been established with respect to claims 1-9, 12-21, and 24. "The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does

¹ The outstanding Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the outstanding Office Action.

not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” M.P.E.P. § 2143.01(III) (emphasis in original). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03. “In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02 (I) (emphases in original).

“[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Claims 1-9, 12-21, and 24, as amended, recite subject matter that is neither disclosed nor suggested by the cited references. The significant gaps between the teachings of Dunham and Schwartz and the subject matter recited in these claims render the claims nonobvious.

Claim 1, as amended, recites a method of monitoring the provision of child welfare services to a child using a child identification card. The method of claim 1 includes, *inter alia*, receiving child update information on the child via the child identification card, determining a location of the child via a location device in the

proximity of the child, and collecting child status information from a reporter observing the child. This subject matter is neither disclosed nor fairly suggested by Dunham and Schwartz, taken separately or in combination.

Dunham discloses “methods and systems that manage the provision of care by driving care providers to follow the wraparound process in the provision of care.” Dunham, Abstract. According to the reference, the wraparound approach “develops a clear, integrated plan, including a crisis plan,. . .which includes accessing needed resources. The approach continuously collects information to keep improving outcomes for the individual and the family.” Dunham, ¶ 0015. To do so, the methods of Dunham include “inputting assessment data including strengths and needs of the client and of the support team into a database,” “inputting data related to the provision of care to the client into a database,” and “developing a plan of care for a client....” Id., ¶¶ 0018-0020.

Dunham is generally concerned with assessing an individual in need of care, formulating a treatment plan, and tracking implementation of the plan using a database. However, the reference does not disclose or suggest a method including receiving child update information via a child identification card, determining a location of the child via a location device, and collecting child status information from a reporter observing the child, as recited in claim 1.

Schwartz, taken either on its own or together with Dunham, also does not disclose or suggest this combination of elements. Schwartz is directed to “communicating, computing, monitoring and managing risk levels for individuals in high-risk environments.” Schwartz, ¶ 1. The reference describes a “dynamic risk

assessment” based on “system variables [that] are...defined for each risk category.”

Id., ¶¶ 0049-0050. Neural networks and fuzzy logic expert systems are used to perform the risk analysis of Schwartz. Id., ¶¶ 0054-0072. System inputs are received by phone reports and via data entered into user interfaces. See, e.g., ¶ 0074; Figs. 5a-5b.

However, the reference does not disclose or suggest a method to monitor wellness of a child including receiving child update information via a child identification card, determining a location of the child via a location device, and collecting child status information from a reporter observing the child, as recited in claim 1.

The significant differences between the teachings of Dunham and Schwartz and the recitations of amended claims 1 and 13 render these claims nonobvious over the cited references. Therefore, Applicants request the withdrawal of the section 103 rejections of claims 1 and 13.

Claims 2-9 and 12 depend from amended independent claim 1, and claims 14-21 and 24 depend from amended independent claim 13. Because any claim that depends from a nonobvious claim is also nonobvious, Applicants request the withdrawal of the section 103 rejections of claims 2-9, 12, 14-21, and 24 at least by virtue of their dependence on claims 1 or 13, as well as by virtue of their recitation of additional features not taught or suggested by the cited references.

Dependent claims 10, 11, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunham and Schwartz further in view of U.S. Patent No. 6,042,005 to Basile et al. (“Basile”). Claims 10 and 11 depend from claim 1 and claims 22 and 23 depend from claim 13. As explained above with respect to

independent claims 1 and 13, broad gaps exist between the subject matter of Dunham and Schwartz and the recited method including receiving child update information via a child identification card, determining a location of the child via a location device, and collecting child status information from a reporter observing the child.

Basile fails to bridge these gaps. Instead, Basile is directed to “[a] personal identification system for children that includes two forms of identification.” Abstract. Basile has nothing to do with monitoring the provision of child welfare services to a child including the combination of receiving child update information via a child identification card with determining a location of the child via a location device and collecting child status information from a reporter observing the child, as recited in amended independent claims 1 and 13 and indirectly recited in claims 10, 11, 22, and 23. Therefore, significant gaps remain between the teachings of Dunham, Schwartz, and Basile and the subject matter of claims 10, 11, 22, and 23, rendering these claims nonobvious. Accordingly, Applicants request the withdrawal of the rejections of dependent claims 10, 11, 22, and 23, and the rejection under 35 U.S.C. § 103(a).

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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